



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar Alejandro OZUNA,

Defendant.

Mag. Case No.

'08 MJ 8193

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about February 28, 2008, within the Southern District of California, defendant Oscar Alejandro OZUNA, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF MARCH 2008.

[Signature]
PETER C. LEWIS
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent M. Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states this complaint is based upon the statements of the apprehending Border Patrol Agent P. Lagodzinski. The Defendant, Oscar Alejandro OZUNA, was found and arrested on or about February 28, 2008, approximately one half mile east of the Calexico, California West Port of Entry.

At approximately 6:50 P.M. Agent Lagodzinski was informed by the Calexico California Border Patrol Station's Remote Video Surveillance System (RVSS) Operator that he had just observed an individual make an illegal entry into the United States by climbing over the International Boundary Fence from Mexico east of the Calexico West Port of Entry. Agent Lagodzinski responded to the area indicated by the RVSS operator and observed the illegal entrant, later identified as Oscar Alejandro OZUNA, running north from the boundary fence. Agent Lagodzinski identified himself to OZUNA and questioned him. It was determined OZUNA is a citizen of Mexico illegally in the United States. OZUNA was arrest and transported to the Station

Once at the Station, a record check of OZUNA revealed OZUNA has been previously deported on August 27, 2001. Further records check revealed OZUNA has an extensive criminal history.

Agent D. Kruger witnessed Agent P. Reyes read OZUNA his rights per Miranda. OZUNA stated that he understood his rights and was willing to answer questions without an attorney present. OZUNA was asked if he had sought and received permission from the United States Attorney General or the Secretary of Homeland Security to re-enter the United States, OZUNA replied "No". OZUNA was asked how he last entered the United States and he replied "I entered illegally."

Executed on March 1, 2008 at 9:00 AM.


Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe the defendant named in this probable cause statement committed the offense on February 28, 2008 in violation of Title 8, United States Code 1326.


Honorable Cathy A. Bencivengo
United States Magistrate Judge

3/1/08 @ 9:20 am
Date/Time